

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION
AT COLUMBUS, GEORGIA**



MINUTE SHEET OF COURT PROCEEDINGS (CONTESTED/EVIDENCE ENTERED)

Date: 5/21/2012

Type of Hearing: Evidentiary Hearing

Judge: CLAY D. LAND

Court Reporter: Betsy Peterson

Courtroom Deputy: Pamela G. Sweeden

Interpreter: n/a

Case Number: 3:07-CV-125- (CDL)

Merial, et al

Counsel: Edward D. Tolley, Frank Smith, Patrick
Elesvier; Judy Black

vs.

Velcera, et al.

Counsel: George Lombardi, Chuck Klein, Maureen
Rurka, Michael French

***DISCLAIMER: CONTENTS OF THIS MINUTE SHEET ARE FOR ADMINISTRATIVE PURPOSES ONLY
AND ARE NOT MEANT AS A SUBSTITUTION FOR THE OFFICIAL COURT RECORD. ATTORNEYS
SHOULD CONTACT THE COURT REPORTER AND ORDER A TRANSCRIPT IF THERE ARE ANY
QUESTIONS AS TO THE CONTENTS HEREIN.***

Court time for JS10/MJSTAR: 7 hrs 50 mins

9:05 am Court convened. Case called and Court announced purpose of hearing. Participants were recognized. Court defined boundaries of arguments.

9:17 am Frank Smith gave opening statement on behalf of Merial Plaintiffs. Gave preview of possible witnesses. Tendered Joint Exhibits 1, 2, and 3.

9:39 am George Lombardi gave opening statement on behalf of Velcera.

10:20 am The Court called on Frank Smith.

10:25 am Break.

10:40 am Court reconvened. Frank Smith invoked the rule of sequestration as to fact witnesses.

10:45 am Ed Tolley called on Plaintiffs' first witness, Bill Lopez. Mr. Lopez was sworn in. Plaintiffs tendered Exhibit P-620; admitted. Plaintiffs tendered Exhibit P-616; admitted. Plaintiffs tendered Exhibit P-631; admitted. Plaintiffs tendered Exhibit P-253 tendered; admitted. Plaintiffs tendered P-523; admitted. Plaintiffs tendered P-632; admitted. Plaintiffs tendered P-428 tendered; admitted.

11:58 am Cross-examination of Bill Lopez conducted by Michael French for the Defendant.

12:20 pm Redirect of Mr. Lopez by Mr. Tolley.

12:23 pm Re-cross of Mr. Lopez by Mr. French.

12:25 pm Lunch Break

1:30 pm Reconvened.. Mr. Frank Smith called Thomas Kowalski for the Plaintiffs. Sworn in. Mr. Elsevier conducted direct examination of Mr. Kowalski. Mr. Elsevier tendered Mr. Kowalski as an expert in specific area. Defendant did not object. Plaintiffs' Exhibit P-401 tendered; admitted.

2:14 pm Cross-examination of Mr. Kowalski by Mr. George Lombardi.

2:44 pm The Court briefly questioned Mr. Kowalski.

2:47 pm Re-direct of Mr. Kowalski by Mr. Elsevier.

2:51 pm Mr. Frank Smith called on Edwin F. Tinsworth. Sworn in. Direct examination by Patrick Elsevier. Tendered as expert in specific areas. No objections by Defendant. Plaintiffs' Exhibit P-304 tendered; admitted. Plaintiffs' Exhibit P-307 tendered; admitted. Plaintiffs' Exhibit P-305 tendered; admitted.

3:30 pm Break

3:45 pm Court reconvened. Mr. Elsevier continued with direct examination of Edwin F. Tinsworth. Plaintiffs tendered Exhibit P-308; admitted. Plaintiffs tendered Exhibit P-282; admitted. Plaintiffs tendered Exhibit P-287; admitted. Plaintiffs tendered Exhibit P-311; admitted. Plaintiffs tendered Exhibit P-312; admitted. Plaintiffs tendered P-302 admitted. Plaintiffs tendered Exhibit P-301; admitted. Plaintiffs tendered

5:20 pm Break

5:30 pm Court reconvened with Mr. Tinsworth on the witness stand, Mr. Elsevier conducting the direct examination. Plaintiffs tendered Exhibit 309; admitted.

6:30 pm The Court excused Mr. Tinsworth for the day and discussed with parties the Court's schedule for tomorrow and options for continuing this hearing.

6:40 pm Court adjourned for the day.